



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

lessee shall hold the same of him to whom the land is allotted or sold under the lease, an owner of the fee of undivided half interest and of the other half for life with remainder to third persons may, notwithstanding a lease for a term, maintain partition.

[Ed. Note.—For other cases, see Partition, Cent. Dig. §§ 38-51; Dec. Dig. § 12.\* 10 Va.-W. Va. Enc. Dig. 779; 15 Va.-W. Va. Enc. Dig. 782.]

**6. Partition (§ 32\*)—Persons Entitled to Sue.**—Where testator gave to his wife half of his property in fee and the other half for life, with remainder to his heirs, the wife could maintain partition.

[Ed. Note.—For other cases, see Partition, Cent. Dig. §§ 83-86; Dec. Dig. § 32.\* 10 Va.-W. Va. Enc. Dig. 779; 15 Va.-W. Va. Enc. Dig. 782.]

**7. Partition (§ 74\*)—Rights of Infants.**—In partition suit, the rights of infants and adults are governed by like principles.

[Ed. Note.—For other cases, see Partition, Cent. Dig. § 209; Dec. Dig. § 74.\* 10 Va.-W. Va. Enc. Dig. 791; 14 Va.-W. Va. Enc. Dig. 811.]

**8. Partition (§ 111\*)—Sale Disposition of Proceeds.**—Where in partition commissioners fixed the value of a tract which should be sold, but which was sold for a less sum, the court must apportion the loss between the parties entitled to the proceeds in the proportion of their interests.

[Ed. Note.—For other cases, see Partition, Cent. Dig. §§ 401-418; Dec. Dig. § 111.\* 10 Va.-W. Va. Enc. Dig. 795.]

Appeal from Circuit Court, Brunswick County.

Suit by Indiana M. Kelly against J. H. Lucy and others, for partition. From a decree granting relief, defendants appeal. Affirmed.

*Buford, Lewis & Peterson*, of Lawrenceville, for appellants.  
*Turnbull & Turnbull*, of Lawrenceville, for appellee.

---

CRAWLEY v. GLAGE.

March 11, 1915.

[84 S. E. 671.]

**1. Deeds (§ 68\*)—Invalidity—Mental Incapacity of Grantor.**—A grantor, not possessing mental capacity to execute a deed, may sue to set it aside as against the objection that the conveyance was made with design to defraud real estate agents out of commission claimed by them.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 149-155; Dec. Dig. § 70.\* 6 Va.-W. Va. Enc. Dig. 494; 15 Va.-W. Va. Enc. Dig. 427.]

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

**2. Deeds (§ 70\*)—Invalidity—Mental Incapacity of Grantor—Fraud.**—Where a grantee induced a mentally incompetent grantor to execute a deed, and as a part of the plan fraudulently represented to the grantor the danger of suits against him for real estate commissions, the grantee could not defeat a suit to set aside the deed on the ground that it was executed to defraud agents out of commissions.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 165-182; Dec. Dig. § 70.\* 6 Va.-W. Va. Enc. Dig. 494; 15 Va.-W. Va. Enc. Dig. 427.]

**3. Appeal and Error (§ 174\*)—Objections Not Raised in Trial Court—Capacity of Parties.**—An objection to a suit by grantors to set aside a deed on the ground of mental incapacity to maintain the suit, not presented in the trial court, cannot be raised on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1093, 1094, 1121-1132; Dec. Dig. § 174.\* 1 Va.-W. Va. Enc. Dig. 549; 14 Va.-W. Va. Enc. Dig. 88; 15 Va.-W. Va. Enc. Dig. 62.]

**4. Appeal and Error (§ 231\*)—Objections to Competency—Time to Raise.**—An objection to a suit by grantors to set aside a deed on the ground of their incapacity to maintain the suit, not raised until after the taking of the evidence, is unavailable on appeal, unless the objection was specifically made, and the record on appeal so affirmatively shows.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1299, 1352; Dec. Dig. § 231.\* 1 Va.-W. Va. Enc. Dig. 549; 14 Va.-W. Va. Enc. Dig. 88; 15 Va.-W. Va. Enc. Dig. 62.]

**5. Deeds (§ 211\*)—Invalidity—Incapacity of Grantor—Fraud—Undue Influence.**—Evidence held to sustain a finding that grantors were mentally incompetent to execute a deed, and were induced to execute it by fraud and undue influence.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 637-647; Dec. Dig. § 211.\* 4 Va.-W. Va. Enc. Dig. 380; 6 Va. W. Va. Enc. Dig. 508; 14 Va.-W. Va. Enc. Dig. 317; 15 Va.-W. Va. Enc. Dig. 264.]

**6. Vendor and Purchaser (§ 228\*)—Bona Fide Purchaser—Notice.**—A purchaser from a grantee, who obtained by fraud and undue influence a deed from grantors mentally incapable to make a contract, is not a bona fide purchaser, where he knew of the condition of one of the grantors, and knew that no consideration had been paid for the deed, and had been informed by a third person that he regarded the transaction as fraudulent and he cannot claim anything under the deed, nor restitution from the grantors.

[Ed. Note. For other cases, see Vendor and Purchaser, Cent. Dig. §§ 495-501; Dec. Dig. § 228.\* 13 Va.-W. Va. Enc. Dig. 594; 14 Va.-W. Va. Enc. Dig. 1061; 15 Va.-W. Va. Enc. Dig. 1049.]

**7. Deeds (§ 75\*)—Fraud—Ratification.**—Where a suit was brought

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

by grantors to set aside a deed very shortly after the grantee had made a deed to a third person, who was chargeable with knowledge of the facts, and was brought promptly after one of the grantors, rendered incompetent by reason of intoxication, realized what had happened, the third person could not defeat the action on the ground of the grantor's ratification of the transaction.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 206-208; Dec. Dig. § 75.\* 6 Va.-W. Va. Enc. Dig. 483; 15 Va.-W. Va. Enc. Dig. 426.]

Appeal from Chancery Court of Richmond.

Action by Elvina E. Glaze and another against V. M. Sutton and K. T. Crawley. From a decree for complainants, defendant Crawley appeals. Affirmed.

---

RICKS et al. v. SCOTT et al.

March 11, 1915.

[84 S. E. 676.]

**1. Easements (§ 18\*)—Way of Necessity—Implied Grant.**—Where an owner of two adjoining farms having a cart path leading from one to the other, and thence to a public road, sells one of them, no mention being made of the cart path, there was no implied grant of the right of way as of necessity where there is in existence another road leading from the sold farm to the same road, but in a different direction, which the grantee had the unqualified right to use.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 50-55; Dec. Dig. § 18.\* 4 Va.-W. Va. Enc. Dig. 859; 14 Va.-W. Va. Enc. Dig. 362; 15 Va.-W. Va. Enc. Dig. 316.]

**2. Easements (§ 36\*)—Adverse User—Evidence.**—Evidence held insufficient to show that a purchaser of a farm adjoining the grantor's farm or his privies used it or laid claim to a right of way over a cart path leading through the grantor's farm to a public road so as to give any rights as against a bona fide purchaser of the grantor's.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 77, 78, 88-93; Dec. Dig. § 36.\* 11 Va.-W. Va. Enc. Dig. 312; 14 Va.-W. Va. Enc. Dig. 838.]

**3. Easements (§ 20\*)—Transfer of Property—Bona Fide Purchaser.**—Where no private right of way or other easement is reserved in the deed itself, and the purchaser has no notice of any claim by third persons of a right of way over the land, he takes the land free from any claim therefor either from the grantor or those claiming under him.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 59, 60;

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.